(A)

Home (1949) Department.

M. SERIES.

G.O. No. 281

Dated 24-1-49

[Despatch Abstract.]

Law Officers Mofussil Public prosecutors and additional Public prosecutors — Appearance against the Crown in Criminal proceedings — Totally prohibited in the Case of public prosecutors and permitted under Certain Conditions in the Case of additional public prosecutors Precis of Standing Orders — Amended

GOVERNMENT OF MADRAS
ABSTRACT.
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LAW OFFICERS - Mufassal - Public Prosecutors and additional Public Prosecutors - Appearance against the Crown in criminal proceedings - Totally prohibited in the case of Public Prosecutors and permitted under certain conditions in the case of additional Public Prosecutors - Precis of standing orders - Amended.

HOME DEPARTMENT.

G.O.Ms.No.281 Dated: 24..1..1949.
Read the following:-

1. G.O.Ms.No. 4350, Home, dated 25.10.1940.
2. G.O.Ms.No. 1736, Home, dated 7.5.48.

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ORDER:

At present, a Public Prosecutor can undertake the defence of any person in a criminal trial, only when the District Magistrate does not require him to prosecute the case; but an Additional Public Prosecutor may appear for the defence in the Sessions Court as well as in the Magistrates' Courts without the previous approval of the District Magistrate except in cases in which a committal to the Sessions court is likely. The Government have considered the question whether Public Prosecutors and additional Public Prosecutors should be debarred from appearing for the defence in any case. They direct that in future Public Prosecutors should be prohibited altogether from appearing against the crown in any criminal proceedings and the Additional Public Prosecutors may be permitted to appear against the Crown, provided thay obtain the prior sanction of the District Magistrate.

2. The following amendments will be made to the Precis of Standing Orders relating to the duties and remuneration etc., of Law Officers of the Government in the mufassal issued in G.O.No.4350, Home, dated 25-10-1940, as subsequently amendmed.

AMENDMENTS.

In Part I of the Annexure to the said Government Order, in Standing Order 9--

(1) for the first paragraph, the following paragraph shall be substituted, namely;

"A Public Prosecutor will not be permitted to undertake the defence of any person in any criminal proceedings ",

(2) for the last paragraph, the following paragmaph shall be substituted, namely;

"An Additional Public Prosecutor may appear for the defence only with the prior approval of the District Magistrate in any criminal proceedings."

/By Order of the Governor/
Sd.xx
Secretary to Government.

To

The Honorable the Chief Judge, High Court,
Madras.

P.T.O.

To
The District and Sessions Judges.
All District Magistrates.
The Public Prosecutor and Additional Public
Prosecutors in the mufassal through
the District Magistrates.

/True copy/

R Thangaraj
Superintendent.
Madras Record Office.
Madras.

SS/4.8.